

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

2016 JUN 20 A 11:42

Inmate Identification Number:

61744

JERRY BRADON WALKER

(Enter above the full name of the plaintiff
in this action)

U.S. DISTRICT COURT
NOTICE TO FILING PARTY

It is your responsibility to
notify the clerk in writing of any
address change.

Failure to notify the clerk may
result in dismissal of your case
without further notice.

vs.

OFFICER MICHAEL ROBERSON

CV-16-BE-1006-E

DISTRICT Judge JEB TANNON

(Enter above full name(s) of the defendant(s)
in this action)

Previous lawsuits

- A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment?
Yes () No (X)
- B. If the answer to (A) is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff:

N/A

Defendant(s):

N/A

2. Court (if Federal Court, name the district; if State Court, name the county) _____
3. Docket number N/A
4. Name of judge to whom case was assigned N/A
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) N/A
6. Approximate date of filing lawsuit N/A
7. Approximate date of disposition _____

I. Place of present confinement TALLADEGA COUNTY JAIL

- A. Is there a prisoner grievance procedure in this institution?
Yes () No (☒)
- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes () No (☒)
- C. If your answer is YES:
1. What steps did you take? N/A
2. What was the result? denied
- D. If your answer is NO, explain why not: denied

II. Parties.

In item (A) below, place your name in the first blank and place your present address in the second blank.

A. Name of Plaintiff(s) GERRY BRANON WALKER

Address TALLADEGA COUNTY TRAIL

PO. BOX 3, TALLADEGA AL 35161

In item (B) below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item (C) for the names, positions, and places of employment of any additional defendants.

B. Defendant OFFICER MICHAEL ROBERSON, DISTRICT

Is employed as TALLADEGA DRUG TASK FORCE OFFICER

at 148 EAST STREET, JUDICIAL BUILDING

C. Additional Defendants TALLADEGA ALABAMA 35161

Judge Jeb FANNIN District Judge Northern

TALLADEGA AL. 35160. 148 East Street

V. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.

Defendants OFFICER MICHAEL ROBERSON, DISTRICT
JUDGE JEB FANNIN The Issuing
Authority deliberately Intentionally Willfully
and knowingly Violated the United States
Constitution, 4th 5th and the 14th
Amendments when the Defendants ROBERSON

And defendant FANNIN violated plaintiff's
Rights. They Restraint me of my Liberty and
deprived me of my LIFE Liberty, property
That were protected BY the US Constitution

V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

① The State Authorities. Be ordered to give Plaintiff
probable cause determination Hearing ② Plaintiff
seek monetary damages, punitive damages ③
Whatsoever The Court deem proper and
Appropriate

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____.

SIGNATURE

ADDRESS

AIS #

Noticable Violations i'd like to bring to Attention!!

1. Highlighted Form Complaint, with no attached Affidavit

2. Not a Neutral and Detached Judge.

3. Signatures of said Judge Jeb Fannin.
(Noticable differences in these signatures)

4. On the Writ of Arrest, it shows that it was preferred by Gerry Brannon Walker.

(Circumstance)

On Feb 26, 2016, Gerry Brannon Walker was arrested, and placed in confinement at the Talladega County jail, for the alleged crime. Defendant Micheal Roberson says he has probable cause for believing and does believe that on or about the 11th day of Sep, 2015, Gerry Brannon Walker did Distribute a Controlled Substance to-wit Hy-rocodone, to an under cover agent, while at or near the 1200 Block of Providence Road, Talladega County Alabama (see Ex. A)

On the 12th day of Jan, 2016 the defendant Micheal Roberson was acting in pursuant to an arrest warrant that was not based on Probable Cause. Defendant Roberson simply inserted, Mr. Walkers name and address into a previously prepared Form Complaint, that was unaccompanied by a separate affidavit, that gave a general description of the alleged crime. Then defendant Roberson submitted his previously prepared Form Complaint, to District Judge Jeb Fannin as the sole evidence supporting the issuance of the Warrant.

The warrant Judge Jeb Fannin issued on Jan 12th 2016 failed to meet the minimal Constitutional Standards and is clearly Inadequate under well established Supreme Court Case Law. (SEE EX. A)

On Feb, 29th 2016, plaintiff Walker was ordered to an initial Appearance, for a determination of Probable cause. Again Judge Jeb Fannin could not and did not make a determination of Probable Cause from this Form Complaint unaccompanied by an attached detailed Affidavit. (See Exhibit B)

Defendant officer Micheal Roberson and defendant Judge J. b Fannin, should have known, or would have known by virtue of its incorporation into the fourteenth Amendment. The fourth amendment requires the state to provide a fair and reliable determination of probable cause in a hearing, as a condition for any significant pretrial restraint of liberty. Defendant Fannin should have known that a probable cause determination must be made by a neutral, and detached Judicial official either before or promptly after the arrest. Defendant Roberson and defendant Fannin did not provide these requirements. These defendants willfully and knowingly restrained Mr. Walker of his liberty.

Defendant Roberson and defendant Fannin also should have known or would have known that when a state deprives a person of his/her liberty after their arrest. The Constitution requires that it must be prepared to justify, not only the initial arrest, but the continued detention, as well. These defendants disregard the U.S. Constitution, willfully, knowingly, and intentionally. Defendants in fact deprived Mr. Walker of his life and restrained him of his liberty on a unconstitutional invalid warrant.

Plaintiff Conditions

When defendant Micheal Roberson and defendant J. b Fannin violated the U.S. Constitution, according to these documents (Ex. A and Ex. B) which clearly show the defendants practice as unconstitutional. This practice placed Mr. Walker in conditions that are plainly unconstitutional.

Defendant Roberson and defendant Fannin, restrained Mr. Walker of his liberty as well as his privileges and immunity.

These defendants violated Mr. Walker's, constitutional, Civil, and American Citizen rights, as well as his human being rights. These defendants also took Mr. Walker away from his family and relationships. Mr. Walker also lost his job and lively hood due to these defendants negligence.

Defendant Roberson and defendant Fannin did in fact cause, Mental, Emotional Depression due to prolonged detention and confinement caused by intensional, and unconstitutional actions of these negligent defendants.

Statement of Claims

Defendants Roberson and defendant Fannin's failure to comply with elementary principles of procedural due process of the Fourth, Fifth, and Fourteenth Amendments of equal protection and due process of law (42 USC § 1983) accordingly with the documents herein (EX: A & B)

Defendant Roberson and defendant Fannin willfully violated Mr. Walker's Fifth Amendment Rights. No one shall be deprived of life, liberty or property without due process of Law. Defendant Roberson did not provide the basics. No personal knowledge, nor underlying circumstances for Mr. Walker's Arrest warrant. There for defendant Fannin issued a invalid warrant. Defendant Roberson and defendant Fannin also violated Mr. Walker's Fourteenth Amendment Rights, Equal protection of Law, not to be deprived of law. Purpose is to assure enjoyment of the right of citizens defined by the Fourteenth Amendment, mandates that no State shall deprive any person of life, liberty, freedom. These defendants failed to do so. Defendant Fannin was not a Neutral and detached judicial officer, he did not make

judicial determination of Probable Cause. Also these defendants did not provide due process of law, or equal protection of the law, they completely disregarded the U.S. Constitution and willfully violated Mr. Walker's Constitutional Rights as an American citizen SEE (EX A and B)

The Conduct of these Defendants

Mr. Walker pleads that defendant Roberson and defendant Fannin's conduct while committing said violations, clearly shows statutory, and constitutional violation of Mr. Walker's Rights. Of which any law and/or judicial official would have known. In light of these constitutional violations these defendants still proceeded to undermine the U.S. Constitution that both officials took an oath to uphold. And by doing so clearly violated Mr. Walker's civil rights in full.

Defendant Roberson and defendant Fannin should therefore be held liable in their individual, official, and supervisor capacity under color of State Law. (US § 1983)

DOCUMENT 1

EX B17A

VERIFIED 2/5/16 (K)

AFFIDAVIT AND WARRANT OF ARREST
 THE STATE OF ALABAMA, }
 TALLADEGA COUNTY. }

DC-2016-181
 DISTRICT COURT
 OF TALLADEGA COUNTY, ALABAMA

COMPLAINT

ORIGINAL

Before me, the undersigned authority, personally appeared **Michael Roberson**, who being duly sworn, says on oath that he has probable cause for believing, and does believe, that in said county and State, on or about the 11th day of September, 2015, one **Gerry Brannon Walker**,

Did unlawfully sell, furnish, give away, deliver or distribute a controlled substance, to-wit: **Hydrocodone** to an undercover agent, while at or near 1200 Block Providence Road, Talladega, Talladega County, Alabama, contrary to and in violation of Section 13A-12-211 of the Code of Alabama,

against the peace and dignity of the State of Alabama.

Sworn to and subscribed before me this the 12th day of January, 2016.

[Signature]
 Judge [] Clerk [] Magistrate []

STATE OF ALABAMA, TALLADEGA COUNTY
 TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA — GREETINGS:

WRIT OF ARREST

You are hereby commanded to arrest: **Gerry Brannon Walker** and commit him to jail unless he gives bond in the sum of \$ 250,000.00 for his appearance in this Court on the 5th day of April, 2016, to answer the State of Alabama on a charge of Distribution of a Controlled Substance, preferred by **Gerry Brannon Walker**.

Dated this the 12th day of January, 2016.

[Signature]
 Judge [] Clerk [] Magistrate []

State's Witness: **Michael Roberson, DTF**
 Case # 0915-0016TF

DEFENDANT'S ADDRESS: Providence Road, Talladega, Alabama 35160

DOB: 02/24/1981 RACE: W SEX: M
 SSN: 417-25-6122 HEIGHT: 6'0" WEIGHT: 165 HAIR: Blonde EYES: Hazel

Executing by arresting the within
 Defendant and committing to jail on
 the 20 day of Feb 2016

[Signature]

RECEIVED 2/5/16 (K)
 SHERIFF JIMMY KILGORE

IN THE 29th JUDICIAL CIRCUIT OF ALABAMA

STATE OF ALABAMA,

vs.

ORDER OF INITIAL APPEARANCE

WALKER, GERRY

The Defendant was duly brought before this Court for Initial Appearance, charged with the criminal offense(s) of DISTRIBUTION OF CONTROLLED SUBSTANCE

at 2:58 o'clock P.M. Feb. 29, 2016, whereupon the Court:

1. ☒ Ascertained the true name and address of the defendant to be:

GERRY WALKER

1367 PROVIDENCE ROAD

TALLADEGA, AL 35160

2. ☒ Instructed the defendant to notify the court promptly of any change of address.

3. ☒ Informed the defendant of the charges against him/her and ensured that the defendant was served with a copy of the charges.

OR

☒ This is a warrantless hearing and the defendant was informed of the charges against him/her. The Court finds probable cause that the defendant committed the above crime, based on the testimony of _____, who is directed to obtain a warrant in this matter within 14 days, or appear at the next District Court preliminary hearing docket and explain to the Court why he has not done so.

4. ☒ I Informed the defendant of the right to be represented by counsel and that he/she would be afforded time and opportunity to retain an attorney, and further advised the defendant that if he/she was indigent and unable to obtain counsel, an attorney would be appointed by the Court to represent him/her.

5. ☒ Informed the defendant that he/she had the right to remain silent and that anything he/she said could be used against him/her.

6. ☒ Determined that the defendant may be released from custody pending further proceedings, subject to the mandatory conditions prescribed in Rule 7.3(a), A.R.Crim.P., which are that the defendant: (1) appear in Court; (2) refrain from committing any criminal act; (3) not depart the State without leave of Court.

☒ Execution of a good and sufficient bond in the amount of \$250,000.00

☒ Random drug tests are hereby authorized and a reasonable fee may be charged by the State.

☐ Other conditions of bond: _____

7. ☒ Informed the defendant of the right to demand a preliminary hearing under Rule 5.1, A.R.Crim.P., and of the procedure by which that right may be exercised and Ordered the Clerk of the Court to set the case on the next available docket.

Date: 02/29/2016


Judge/Magistrate